



ATTORNEYS AT LAW
The Wilenchik & Bartness Building
2810 North Third Street Phoenix, Arizona 85004

Telephone: 602-606-2810 Facsimile: 602-606-2811

Dennis I. Wilenchik, #005350

Nicholas W. Merritt, #037770

admin@wb-law.com

Attorneys for Defendant Adam Weinstein

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

Adam Weinstein, et al.

Defendants.

Case No. 2:25-cr-00541-PHX-DJH

**SECOND AMENDED MOTION TO
CONTINUE TRIAL AND EXTEND TIME
TO FILE PRETRIAL MOTIONS
(First)**

Defendant Not In Custody

Defendants Adam Weinstein, by and through undersigned counsel, hereby requests the Court reschedule the trial set for June 3, 2025. Mr. Weinstein was not arraigned until April 30, 2025, allowing Mr. Weinstein less than one month to prepare for trial. Similarly, Mr. Dixon's former attorney, Lee Stein, has withdrawn as counsel of record and Mr. Dixon is in the process of obtaining new counsel. Mr. Dixon's new counsel would have a matter of weeks to prepare for the trial, a patently untenable situation. For these reasons, Defendant Weinstein requests that the court reschedule the trial date to January 2026.

Defendants also seek an extension of the deadline to file motions from May 14, 2025 to two weeks prior to the trial date. In addition to the above-mentioned reasons for a continuance,

1 the parties have yet to exchange any disclosure, and the prosecution has failed to disclose any
2 evidence whatsoever despite being required to disclose favorable and exculpatory evidence by
3 *Brady* and its progeny as well as the Arizona Ethical Rules, significantly impairing Mr.
4 Weinstein's ability to file motions in this case by the May 14, 2025 deadline and implicating his
5 right to due process. See ER 3.8 ("The prosecutor in a criminal case shall:... make timely
6 disclosure to the defense of all evidence or information known to the prosecutor that tends to
7 negate the guilt of the accused or mitigates the offense, and, in connection with sentencing,
8 disclose to the defense and to the tribunal all unprivileged mitigating information known to the
9 prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of
10 the tribunal"). Disclosure of evidence less than two days before the motion deadline is not timely.

11 Mr. Rapp has been contacted and objects to this motion.

12 **RESPECTFULLY SUBMITTED** on May 12, 2025.

13 **WILENCHIK & BARTNESS, P.C.**

14 /s/ Nicholas W. Merritt

15 Dennis I. Wilenchik, Esq.

16 Nicholas W. Merritt, Esq.

17 The Wilenchik & Bartness Building

18 2810 North Third Street

19 Phoenix, Arizona 85004

20 admin@wb-law.com

21 *Attorneys for Defendant*

/s/ Alice Nossett